

FORM PTO-1590 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(Rev. 07-2004)

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

Muller-47

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/523243**

INTERNATIONAL APPLICATION NO.

**PCT/DE03/02454**

INTERNATIONAL FILING DATE

**22 July 2003**

PRIORITY DATE CLAIMED

**22 July 2002**

TITLE OF INVENTION

**A Microemulsion Containing UV Filters and/or Antidandruff Substances**

APPLICANT(S) FOR DO/EO/US

**Michael Brock, Thorsten Hanning, Eva-Maria Koberstein and Heinz Napierala**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. **EV 317506355 US**
23. ☒ Other items or information:

**WO 2004/016233 A1 (Cover Page)**

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <div style="font-size: 2em; font-weight: bold; text-align: center;">10/523243</div>		INTERNATIONAL APPLICATION NO. <div style="text-align: center;">PCT/DE03/02454</div>		ATTORNEY'S DOCKET NUMBER <div style="text-align: center;">Muller-47</div>	
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24. The following fees are submitted:

**BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)) :**

☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1110.00  
☒ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$950.00  
☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$790.00  
☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$750.00  
☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

CALCULATIONS PTO USE ONLY

Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	26 - 20 =	6	x \$18.00	\$108.00	
Independent claims	2 - 3 =	0	x \$88.00	\$0.00	
Multiple Dependent Claims (check if applicable) <input checked="" type="checkbox"/>				\$300.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$1,358.00</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$0.00	
<b>SUBTOTAL =</b>				<b>\$1,358.00</b>	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$0.00	
<b>TOTAL NATIONAL FEE =</b>				<b>\$1,358.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable) <input type="checkbox"/>				\$0.00	
<b>TOTAL FEES ENCLOSED =</b>				<b>\$1,358.00</b>	
				Amount to be: refunded	\$
				charged	\$

  

a. ☒ A check in the amount of \$1,358.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees.

c. ☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-4345

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

  

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

**C. James Bushman, Reg. No. 24,810**  
 Browning Bushman P.C.  
 5718 Westheimer, Suite 1800  
 Houston, Texas 77057-5771  
 Tel.: 713-266-5593  
 Fax: 713-266-5169

SIGNATURE

**C. James Bushman**  
 NAME

**24,810**  
 REGISTRATION NUMBER

**January 21, 2005**  
 DATE

10/523243

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Michael Brock, et al

DT05

Docket No.

 Rec'd CT/PTO 19 JAN 2005  
 Muller-47

 Application No.  
 To Be Assigned

 Filing Date  
 Herewith

 Examiner  
 To Be Assigned

Customer No.

 Group Art Unit  
 To Be Assigned

Invention:

A Microemulsion Containing UV Filters and/or Anti-Dandruff Substances

I hereby certify that the following correspondence:

Transmittal Letter with all attachments

*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

January 21, 2005
*(Date)*

Sheri Cooper

*(Typed or Printed Name of Person Mailing Correspondence)*
*(Signature of Person Mailing Correspondence)*

EV 317506355 US

*("Express Mail" Mailing Label Number)*

Note: Each paper must have its own certificate of mailing.